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**By Email**

Honorable Ronnie Abrams  
United States District Court Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: United States v. John Galanis,  
16 CR 371 (RA)

Your Honor,

I am writing to respond to the Government's last letter where they allege that I have not given them a list of witnesses I intend to call or exhibits I intend to place into evidence. The truth is I have indeed told them that at this time I have no witnesses and do not intend to introduce any exhibits beyond the ones the Government has produced. The Government has expressed to me their displeasure in that response and wants me to commit to not changing that answer. I told them I couldn't because one, the Government continues to produce new documents, the latest production coming just last week. Thus, if any of their newly produced materials leads me to have to call a witness or seek to enter into evidence new exhibits I certainly want to keep that option available. Second, while I have been able to visit my client a few times since his arrival here in New York, most of the visits have been at the hospital which means that I have no privacy with my client as there are 2 BOP officers in the room at all time and why they are very considerate of the situation, their presence does not lend itself to certain conversations taking place. Furthermore because Mr. Galanis has spent most of his time since arriving in New York in the hospital (I realize this is an unavoidable situation) he has not had access to any of the Discovery or 3500 materials because he has no access to a computer and has not been given his paperwork. BOP rules forbid me from giving him any paperwork in person. When I am present with him we certainly can review the Discovery and 3500 materials but visits can last only so long. Thus, I have not yet finished reviewing all of the materials that are related to Mr. Galanis with Mr. Galanis at this time. I should add that due to some type of confusion BOP has not approved 2 of my visit applications. One of them I was able to get approved while at the hospital and the second, which was today, I never got approval. Furthermore, 2 visits have been cut short due to medical care Mr. Galanis had to receive. I want to make this clear I am not complaining to the Court at this time about the care Mr. Galanis is getting, I am just informing the Court of the reasons that I cannot guarantee my answers to the Government's inquiries at this time.

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The Government also does not make reviewing their newly produced materials very easy due to the method they have chosen. The Government delivers new 3500 materials of interviews of witnesses that refer to certain documents however, instead of producing those documents along with the new 3500 materials the Government doesn't even tell defense counsel where those documents can be found. Thus, we are left with searching through the entire database of Discovery and 3500 materials for those documents. Needless to say this is a very time consuming operation. I have made the suggestion to the Government that they produce the related documents with the 3500 materials but as of now the Government has failed to do that.

In conclusion, I have told the Government that I do not intend to call any witnesses or seek to place in evidence any newly discovered documents and that is honestly my intention however, if the situation changes or I learn newly discovered information I will certainly inform the Government immediately.

Most Respectfully,



David Touger, Esq.

cc.: All Government counsel